



City of Newport Beach, City of Newport Beach General Plan - Amendment

Shall the measure to amend the City of Newport Beach’s General Plan Land Use Element allowing 2,900 new affordable housing units (2,160 reserved for extremely low-, very low-, and low-income households; and 740 for moderate-income households) with densities of 20 - 50 dwelling units per acre, plus State of California allowed housing density bonuses, in Dover/Westcliff (174), Newport Center (870), West Newport Mesa (406), Airport Area (929), and Coyote Canyon (521), be adopted?

What your vote means

YES	NO
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.

For and against

FOR	AGAINST
Marshall “Duffy” Duffield Dennis Durgan Curt Fleming Charles Klobe Nancy Scarbrough	Noah Von Blom Mayor Pro Tem Michelle Barto Councilmember Sara Weber Councilmember



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Full Text of Measure H City of Newport Beach

To the City Council of the City of Newport Beach:

We, the undersigned, registered and qualified voters of the State of California, residents of the City of Newport Beach, California, pursuant to Article II, Sections I and II of the California Constitution, and sections 9200, et seq. of the California Elections Code, hereby present to the City Council of the City of Newport Beach this petition and request that the following proposed amendments to the Newport Beach General Plan be adopted by the City Council or otherwise submitted to the registered and qualified voters of the City of Newport Beach for their adoption or rejection at the next regularly scheduled municipal election or at any special election held prior to that election or as otherwise provided by law. The proposed amendments are set forth below and on the subsequent pages.

The People of the City of Newport Beach do hereby ordain as follows:

Section 1. Title

This initiative measure shall be known as the **“Responsible Housing Initiative”** (the “Initiative”).

Section 2. Purpose and Findings.

A. Purpose. This Initiative seeks to balance responsible urban development with protecting the environment, public health and safety, and the quality of life for the residents and businesses of the City of Newport Beach (the “City”). This Initiative amends the City’s General Plan to allow for more residential housing in a manner that fully satisfies, but does not unduly exceed, the requirements of California housing laws, including the State Housing Element Law and Housing Accountability Act.

B. Findings. The residents of the City find that this Initiative promotes the public interest in light of its Purpose and the following facts and circumstances:

1. In November 2000, City residents voted to approve the Greenlight Initiative, which added Section 423 to the Newport Beach City Charter. Section 423 prevents the Newport Beach City Council from amending the City’s General Plan to significantly increase allowed development without first securing approval from City residents. Section 423 specifically requires, among other things, that any amendment to the City’s General Plan allowing for the development of more than 100 dwelling units must be approved by a majority vote in a City election.

2. When the City was preparing its 2021 - 2029 6th Cycle Housing Element (the “Housing Element”) in response to State law, the City repeatedly assured the community it would allow new development only to extent required by State law. Under State law, the City was asked to update its Housing Element to allow for 4,845 new dwelling units at varying levels of affordability (e.g., low income, moderate income). This is commonly referred to as the City’s Regional Housing Needs Allocation or “RHNA.”

3. In September 2022, the City adopted the Housing Element. That Housing Element specified that implementation of the Housing Element “will require a companion Land Use Element amendment that will be subject to a vote of the electorate pursuant to Charter Section 423.” In October 2022, the California Department of Housing and Community Development (“HCD”) reviewed the City’s Housing Element and informed the City that it must implement all programs identified in the Housing Element, including “Initiating a Ballot Measure for a Charter Section 423 Vote.”

4. Between October 2022 and April 2024, City officials and staff worked to implement the Housing Element. The City stated that such implementation would require several major land use approvals, including significant amendments to the Land Use Element of the City’s General Plan, the City’s Zoning Ordinance, and the City’s Local Coastal Program. These approvals were referred to collectively as the “Housing Element Implementation Program Amendments.”

5. Throughout the process to implement the Housing Element, the City consistently told residents they would have an opportunity to vote on proposed amendments to the Land Use Element, as required by Section

423. Prior to July 2024, the City never suggested to voters that the Newport Beach City Council (“City Council”) would not send this issue to a vote under Charter Section 423.

6. In April 2024, the Housing Element Implementation Program Amendments were presented to the Newport Beach Planning Commission for review and recommendation. The Planning Commission recommended approval of the Housing Element Implementation Program Amendments. The Resolution adopted by the Planning Commission stated that final adoption would “require a majority vote of the electorate” under Section 423. (Resolution No. PC2024- 006.)

7. The Housing Element Implementation Program Amendments presented to the Planning Commission proposed allowing for development of at least 8,174 new dwelling units. That proposal reflected a 68% increase above the RHNA requirement, or 3,329 excess dwelling units.

8. On July 23, 2024, the City Council held a meeting purporting to approve the proposed Housing Element Implementation Program Amendments and purporting to authorize a dramatic increase in the scale, height and density of residential development in Newport Beach. The City Council also purported to adopt proposed amendments to the Land Use Element. Those purported amendments include the addition of Policy LU 4.4, which is intended to exceed the City’s RHNA through the adoption of Housing Opportunity (HO) Overlay Zoning Districts and other land use policies. Local voters did not approve of any of those purported amendments.

9. During that same July 23 meeting, the City Council asserted without legal support that a Charter Section 423 vote on the proposed Land Use Element amendments was purportedly “precluded” by State law.

10. On September 24, 2024, the City Council adopted—again, without voter approval—Ordinance No. 2024-16, which purports to amend the City’s Zoning Code and associated maps to add HO Overlay Zoning Districts. These HO Overlay Zoning Districts alone purport to allow for more than eight thousand additional dwelling units to be developed throughout six large areas of Newport Beach.

11. The decision to adopt any major amendment authorizing thousands of additional dwelling units belongs to the voters, not the City Council.

12. Unlike Newport Beach, the City of Yorba Linda chose to honor its local voter approval requirements when adopting its Housing Element implementation strategy. In November 2024, Yorba Linda voters overwhelmingly approved Measure JJ, a measure the Yorba Linda City Council placed on the ballot in June 2024 to comply with Yorba Linda’s “Right-to-Vote Amendment” (Measure B). Under Measure JJ, Yorba Linda will satisfy its RHNA of 2,415 units by relying on pipeline projects (181 units) and underutilized sites (569 units), and then rezoning specific properties to accommodate additional units (1,747 units). In total, Yorba Linda plans to accommodate 2,497 units through its Housing Element and associated implementation program. This will result in no more than 82 units beyond what State law requires, or an approximately three percent (3%) increase above Yorba Linda’s RHNA of 2,415 units.

13. Like the approach taken by the City of Yorba Linda, this Initiative would allow the City to achieve housing objectives while ensuring the local community has a voice in major land use decisions.



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14. The table below shows how this Initiative would meet the requirements of State law.

	Extremely Low /Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total
Total RHNA	1,456	930	1,050	1,409	4,845
Total RHNA	2,386		1,050	1,409	4,845
Pipeline Units ¹	348		0	2,597	2,945
Accessory Dwelling Units (ADUs)	163		72	5	240
5th Cycle Sites	0		287	40	327
Subtotal	511		359	2,642	3,512
Remaining RHNA (Net RHNA)	1,875		691	0	2,566
Airport Environs Overlay ²	692		237	0	929
West Newport Mesa Overlay ²	302		104	0	406
Dover-Westcliff Overlay ²	130		44	0	174
Newport Center Overlay ²	648		222	0	870
Coyote Canyon Overlay ²	388		133	0	521
Total Rezone	2,160		740	0	2,900
Total Development Capacity	2,671		1,099	2,642	6412
Surplus (units)	285		49	1,233	1,567
Surplus (%)(RHNA buffer)	12%		5%	88%	32%

Notes:
¹ Total units in projects that received entitlements from the City before December 2024.
² Figures in the Total column represent the “Development Limit” for each overlay zone.



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Section 3. Amendment to the City of Newport Beach General Plan.

The voters hereby amend and readopt Policy LU 4.4 of the Land Use Element (Chapter 3) of the *City of Newport Beach General Plan* as follows (new language to be inserted into the General Plan is shown as underlined text; language shown in regular or bold (not underlined) type reflects the existing General Plan text and is provided for informational/reference purposes only):

LU 4.4 Rezoning to Accommodate Housing Opportunities

Accommodate housing opportunities through the adoption of housing opportunity overlay zoning districts or other land use regulatory policy.

The following areas are intended to be consistent with the Housing Element's focus areas. Properties within each overlay district should include, but are not limited to, sites identified in the Housing Element; however, not all sites must be included, and other sites or adjustments may be identified in the future through rezoning unless precluded by state law. The goal is to ensure an adequate number of sites Citywide to accommodate the City's overall allocation of the Regional Housing Needs Assessment:

- **Airport Environs:** the intent is to support a density between 20 and 50 dwelling units per gross acre to accommodate up to ~~2,577~~ 929 total dwelling units within the area. All dwelling units must be affordable to "moderate income" households, and at least 692 units must be affordable to "low income" households, as those terms are defined in Government Code 65582.
- **West Newport Mesa:** the intent is to support a density between 20 and 50 dwelling units per gross acre to accommodate up to ~~1,107~~ 406 total dwelling units within the area. All dwelling units must be affordable to "moderate income" households, and at least 302 units must be affordable to "low income" households, as those terms are defined in Government Code 65582.
- **Newport Center:** the intent is to support a density between 20 and 50 dwelling units per gross acre to accommodate up to ~~2,439~~ 870 total dwelling units within the area. All dwelling units must be affordable to "moderate income" households, and at least 648 units must be affordable to "low income" households, as those terms are defined in Government Code 65582.
- **Dover/ Westcliff:** the intent is to support a density between 20 and 50 dwelling units per gross acre to accommodate up to ~~521~~ 174 total dwelling units within the area. All dwelling units must be affordable to "moderate income" households, and at least 130 units must be affordable to "low income" households, as those terms are defined in Government Code 65582.
- **Coyote Canyon:** the intent is to allow a density between 20 and ~~60~~ 50 dwelling units per gross acre of viable land to accommodate up to ~~1,530~~ 521 total dwelling units within the area. All dwelling units must be affordable to "moderate income" households, and at least 388 units must be affordable to "low income" households, as those terms are defined in Government Code 65582.

The maximum number of dwelling units for each focus area set forth above shall serve as the Development Limit for each overlay district. The Development Limits shall not include density bonus units. Once the maximum number of units have been approved under the applicable focus area's Development Limit, no housing opportunity overlay zoning district or other land use regulatory policies or

programs developed pursuant to this Policy (LU 4.4) shall be available for future development in that focus area unless City voters approve a further major amendment to the General Plan.

Section 4. Implementation of this Initiative.

A. This Initiative is considered adopted and effective upon the earliest date legally possible after the elections official certifies the vote on the Initiative by the voters of the City (the "Effective Date"). Upon the Effective Date of this Initiative, the City is directed to promptly take all appropriate actions needed to implement this Initiative, including but not limited to taking any administrative steps necessary to update any and all City ordinances, codes, maps, figures, and any other documents maintained by the City so they conform to the legislative policies set forth in this Initiative. Such administrative steps shall include, but not be limited to, amending Section 20.28.050 of the City of Newport Beach Zoning Code to be consistent with this Initiative.

B. Upon the Effective Date of this Initiative, the General Plan provisions of Section 3 of this Initiative are hereby inserted into the General Plan; except that if the four amendments of any mandatory element of the General Plan permitted by State law for any calendar year have already been utilized in the year in which this Initiative becomes effective, the General Plan amendments set forth in this Initiative shall be the first amendments inserted into the General Plan on January 1 of the next year. The City may reorganize, renumber, and/or reformat the General Plan provisions set forth in Section 3 of this Initiative, provided that the full text is inserted into the General Plan Land Use Element without alteration.

C. The General Plan in effect on the date of filing of the Notice of Intention to Circulate Petition ("Filing Date"), and the General Plan as amended by this Initiative, comprise an integrated, internally consistent and compatible statement of policies for the City. To ensure that the City's General Plan remains an integrated, internally consistent, and compatible statement of policies for the City, any provision of the General Plan that is adopted between the Filing Date and the Effective Date of the General Plan amendment adopted by this Initiative shall, to the extent that such interim-enacted provision is inconsistent with or would diminish, render invalid, defeat, or impair the General Plan amendment adopted by this Initiative, be amended as soon as possible and in the manner and time required by State law to ensure consistency with this initiative.

Section 5. Effect of Other Measures on the Same Ballot.

If this Initiative and another measure on the same subject matter appear on the same ballot, and a majority of the voters vote in favor of both measures but this Initiative receives more votes than the other measure, this Initiative alone shall become valid, binding and adopted in its entirety, and the other measure shall be null and void in its entirety. If a majority of the voters vote in favor of both measures but this Initiative receives less votes than the other measure, only those provisions of the other measure that are in direct and irreconcilable conflict with the provisions of this Initiative shall control, and all other provisions of this Initiative shall become valid, binding and adopted. The voters expressly declare this to be their intent, regardless of any contrary language in any other ballot measure.

Section 6. Interpretation, Severability, and Legal Defense.

A. This Initiative must be interpreted so as to be consistent with all federal and State laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this Initiative. The voters declare that this



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Initiative, and each section, sub-section, sentence, clause, phrase, part, or portion thereof, would have been adopted or passed irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases, parts, or portions are found to be invalid. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity does not affect any application of this Initiative that can be given effect without the invalid application.

B. If any portion of this Initiative is held by a court of competent jurisdiction to be invalid, we the People of the City of Newport Beach indicate our strong desire that: (i) the Newport Beach City Council use its best efforts to sustain and re-enact that portion, and (ii) the Newport Beach City Council implement this Initiative by taking all steps possible to cure any inadequacies or deficiencies identified by the court in a manner consistent with the express and implied intent of this Initiative, including adopting or reenacting any such portion in a manner consistent with this Initiative.

C. This Initiative must be broadly construed in order to achieve the purposes stated above. It is the intent of the voters that the provisions of this Initiative be interpreted or implemented by the City and others in a manner that facilitates the purpose set forth in this Initiative.

D. The People of the City of Newport Beach desire that this amendment to the General Plan, if approved by the voters and thereafter challenged in court, be defended by the City. The People, by approving this General Plan amendment, hereby declare that the proponent(s) of this General Plan amendment have a direct and personal stake in defending it from constitutional or statutory challenges to its

validity or implementation. In the event the City fails to defend this General Plan amendment, or the City fails to appeal an adverse judgment against its constitutionality, statutory permissibility or implementation, in whole or in part, in any court of law, the proponents shall be entitled to assert their direct personal stake by defending its validity and implementation in any court of law and shall be empowered by the People through this measure to act as agents of the People.

Section 7. Amendment or Repeal.

General Plan Policy LU 4.4 as amended by this Initiative can be amended or repealed only by a majority of the voters of the City voting in an election held in accordance with applicable State and City law. For the avoidance of doubt, this Section only limits the power to amend General Plan Policy LU 4.4 and does not limit the power of the City to amend or repeal other portions of the City of Newport Beach General Plan in a manner that is consistent with this Initiative.

Section 8. Judicial Enforcement.

Any aggrieved person shall have the right to bring an action to enjoin any violation of this Initiative or to enforce the duties imposed on the City by this Initiative. The proponents of this Initiative may defend the provisions of this Initiative in any litigation brought to challenge the Initiative.

Impartial Analysis City of Newport Beach Measure H

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 H. 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.

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



Argument in Favor of Measure H

A BETTER HOUSING PLAN IS NEEDED IN NEWPORT BEACH!

VOTE YES ON MEASURE H

Behind our backs, the City Council approved the construction of 8,174 new housing units in Newport Beach. The number is staggering. The resolution was adopted by the City Council on July 23, 2024. You can read it yourself.

Vote “YES” to REDUCE the number to 2,900 units. That is a 65% reduction.

Think about what the City Council’s overdevelopment will do to our city.

More TRAFFIC.

More NOISE.

Huge SKYSCRAPERS ruining our coastal village.

This Measure creates a better plan. A responsible plan that follows state housing laws, preserves Newport Beach’s character, and improves affordability for ordinary citizens.

This will AVOID more gridlock. REDUCE noise. And PRESERVE our community.

Don’t be fooled by the opponents! Our plan does **not** limit growth to only affordable housing. The plan accounts for all of the market-rate housing units previously approved by the City.

Some members of the City Council want to approve a massive wave of housing. Ask yourself who benefits? It is not local residents.

Newport Beach needs more housing options. But not unnecessary overdevelopment at the expense of our shared history. We can do better. Our measure calls for **responsible housing** planning. There is no need to change what has made Newport Beach the place we all call home.

Let’s Preserve Our Quality of Life.

Vote **YES** on Measure H.

s/ Marshall “Duffy” Duffield

s/ Dennis Durgan

s/ Curt Fleming

s/ Charles Klobe

s/ Nancy Scarbrough

Rebuttal to Argument in Favor of Measure H

Don’t be fooled.

This measure asks voters to discard years of professional planning and public input in favor of a ballot-box rewrite.

And here’s what the proponents aren’t telling you:

- Real estate developer, Ken Picerne, who has multiple development projects in the City of Newport Beach, contributed \$150,000 to qualify this “new housing plan” for the ballot.
- Two leading advocates for this measure served on the citizen committee that helped develop the housing framework they now seek to change.
- Another advocate served on the City Council, as Mayor, and voted for the housing he now wants to replace.

The proponents were not excluded from the process. They had a seat at the table, helped shape the discussion, and now seek to replace years of public planning with a ballot measure.

This measure is not about reducing housing. It is about changing the type of housing to be built in Newport Beach by prioritizing affordable subsidized housing projects, while restricting market-rate housing opportunities.

- The proponents promise less traffic. Where’s the traffic study?
- They promise a better plan. Where’s the plan to subsidize this affordable housing? Where’s the plan to fund infrastructure?
- They promise compliance with state law. Where’s the legal analysis?

Responsible planning is built on facts, expert analysis, and public input—not slogans, assumptions, and a request that voters simply take the proponents’ word for it.

Newport deserves better.

Vote NO on Measure H.

s/ Noah Von Blom
Mayor Pro Tem

s/ Michelle Barto
Councilmember

s/ Sara J. Weber
Councilmember



Argument Against Measure H	Rebuttal to Argument Against Measure H
Vote NO on Measure H. This measure mandates 2,900 units for extremely low-, very low-, low-, and moderate-income households, including 2,160 units reserved for lower-income households. By restricting market-rate housing above moderate income, it pushes development into narrow income tiers, concentrating lower-income housing into five distinct communities rather than supporting integrated, mixed-income communities that provide greater housing diversity. The measure also introduces significant financial obstacles to housing development. Housing developments in high-cost jurisdictions often require substantial public subsidies, yet the measure identifies no funding source for those subsidies. Nor does it identify funding sources for roads, utilities, parks, public safety, or related infrastructure. Raising the question, how will these projects and related infrastructure be financed and who ultimately bears the cost? The measure also raises serious questions about compliance with state housing law. State law requires Newport Beach maintain a certified Housing Element with adequate housing capacity, which also addresses development constraints. By reallocating and conditioning how units are produced, the measure could alter the assumptions underlying that plan, potentially requiring revisions and risking a finding of noncompliance. Failure to maintain compliance carries real consequences, including court intervention, limits on local land use authority, and financial penalties. Furthermore, by embedding detailed affordable housing requirements in the General Plan, the measure reduces flexibility and makes future adjustments more difficult. As state laws and local needs evolve, repeated amendments may be required to remain compliant, creating uncertainty and reducing the City's ability to respond to changing housing and infrastructure needs. Growth works best where infrastructure can support it. By imposing rigid allocation requirements, the measure may push development out of alignment with existing infrastructure and limit more flexible, mixed-income approaches. Vote NO on Measure H. s/ Noah Von Blom Mayor Pro Tem s/ Michelle Barto Councilmember s/ Sara Weber Councilmember	Don't be fooled by political spin! The very elected politicians who approved a staggering 8,174 new housing units in the city—Councilmembers Noah Blum, Michelle Barto, and Sara Weber—now insist that allowing thousands of unnecessary luxury housing units is what we need in Newport Beach. The politicians behind the opposition tell you that these 8,174 new housing units will actually improve traffic, improve roads, and make the city better. We all know better. These politicians also complain that Measure H would allow the development of 2,900 affordable units. What they don't tell you is that the City Council voted for 3,194 affordable units, PLUS another 5,000 luxury units. They are trying to mislead you. The politicians further claim that Measure H raises “questions” about compliance with state law, suggesting only they can decide how much housing is allowed in our city. NONSENSE. Last time we checked, voters get to decide what is best for our city. And the housing plan the community has proposed in Measure H satisfies state housing laws. This is our chance to undo the terrible mistake made by the City Council. We need a responsible housing plan that preserves our coastal community while making housing more affordable for everyone. VOTE YES on Measure H to reverse the City Council and lower new housing from 8,174 units to 2,900 units. s/ Marshall “Duffy” Duffield s/ Curt Fleming s/ Charles Klobe s/ Nancy Scarbrough