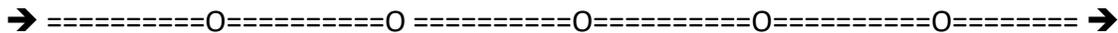


Line in the Sand

A Newport Beach Political Action Committee

TIMELINE: THE MUSEUM HOUSE CONDO TOWER



Here's a brief timeline for those tracking the Museum House saga.

November 29, 2016

At a special meeting, **the Newport Beach City Council approved a General Plan amendment (GPA)** that would allow Related Companies of California to tear down the one-story Orange County Museum of Art (OCMA) in Newport Center and replace it with a **25-story, 300-foot-tall luxury condo tower** called "The Museum House".

Line in the Sand PAC (LITS) had submitted **a petition** to the Council, **signed by almost 2,000 residents**, asking that it reject the requested GPA, and indicated that if the Council approved it, then citizens would launch a referendum petition to put the project to a citywide vote.

Knowing that Line in the Sand was planning to circulate a petition to bring the GPA to a vote, the Council opted to attach the complete Environmental Impact Report (several thousand pages) and other documents to its resolution, which had to be included with the petition.

*Once LITS indicated that it would exercise its constitutional right to petition **a project that would impact all Newport Beach residents**, its efforts were systematically undermined, with supporters of the Related Companies project using **the ugliest tactics this town has ever seen**:*

December 2, 2016

Just days after the City Council approved the GPA, on December 2, **a fake petition was circulated for one day.**

December 3, 2016

Door hangers about fake petitions were all over Newport Beach. These included prepaid rescind postcards so people could ask to remove their signature from a petition they definitely hadn't signed . . . the LITS petition was still at the printer's because of the November 29 City Council Resolution to include thousands of pages of backup materials in the petition.



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December 4, 2016

Newport was then blanketed with **lawn signs**, paid for by “**OCMA Urban Housing LLC**” (the entity with which the City Council signed the development agreement, and an affiliate of Related Companies), that said “Fake Petition, Don’t Sign”.

December 5, 2016

OCMA Urban Housing LLC put up a “Save the Museum” **website** showing photos of LITS members and community leaders in a “**Rogue Gallery**”. This section was subsequently renamed “Meet the Grinches Who are Trying to Steal Christmas” and then removed altogether.

December 7, 2016

The real petitions were received from the printer and delivered to volunteers so signature gathering could begin.

The **impacts of City Council’s November 29 Resolution** to include thousands of pages of backup materials in the petition included:

- Lost seven of the 30-day signature-gathering deadline for printing efforts
- Used over two tons of paper to print petitions
- Cost \$46,506 for printing

December 8, 2016:

First day of signature-gathering for the real referendum petitions.

Swarms of paid “blockers” were brought into town to intimidate signature gatherers and petition signers. OCMA Urban Housing LLC added a phone number to its “Save the Museum” website, encouraging people to report circulators’ locations so blockers could be dispatched.

December 10, 2016

More **lawn signs** later appeared and **mailers** were sent out warning that people who signed the petition were at risk of identity theft. These mailers also included prepaid rescind postcards.

Ads were run on cable TV, ominously warning that signing the petition would put the City of Newport Beach at risk. One such ad ran on CNN for several weeks.



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December 19, 2016

As LITS was preparing to submit the signatures it had gathered to the City Clerk, attorneys for **OCMA Urban Housing LLC delivered a letter demanding that the Clerk refuse to accept the petitions** because there were three missing pages (out of the 3,800 required by the City Council), the font size was too small, and the maps were printed in black and white.

December 21, 2016

Less than two weeks after the petitions hit the street, **Line in the Sand delivered to the City Clerk 450 petitions carrying the signatures of 13,730 residents**, almost 25% of total registered voters in Newport Beach. The City accepted the petition packets, which were delivered the next day to the OC Registrar of Voters for verification.

January 6, 2017

OCMA filed suit with the Orange County Superior Court requesting that the referendum petition be found deficient and voided, citing the same reasons as the OCMA Urban Housing letter. Its press release ends with a blurb about the location it is planning to move to in Costa Mesa, the architect it is using for its new building and the architect Related Companies would use for the condo tower the museum would leave behind.

January 25, 2017

The OC Registrar of Voters found the referendum petition to be sufficient pursuant to California Elections Code Sections 9266 and 9114. The Registrar's office reported:

13,788: Number of signatures filed (almost 25% of NB voters)

5,619: Number of signatures required (10% of NB Voters)

6,584: Number of signatures verified to reach required signatures

965: Number of invalid signatures found in verified sample (included seven duplicate signatures)

February 14, 2017

The **City Council** is expected to **review** the staff report and decide whether to rescind its approval of the Museum House project or put it to a public vote, either on the June 2018 primary or November 2018 general election ballot, or through a special election.



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February 28, 2017

In a 5:2 vote, City Council began the process of repealing all their previous Museum House approvals, with the exception of the certification of the EIR, by introducing a proposed ordinance.

March 8, 2017

The court denied OCMA's request for an order preventing the Council from taking further action on the petition. Unless the court ultimately finds the petition invalid, the repeals will stand and state election law will bar the Council, for the following year, from considering a General Plan amendment for the OCMA property similar to the defeated Museum Tower proposal.

March 14, 2017

A second reading of the proposed **Approval Repeal Ordinance passed** as a Consent Calendar item, with repeal ordinance becoming effective 30 days thereafter.

April 11, 2017

OCMA filed an amended complaint asking the court to not only void the petition, but also void the Council's repeal of its approvals. If successful, the Museum House tower project could go forward with no further Council action -- just as if there had been no petition and no repeals.

April 21, 2017

LITS files an anti-SLAPP motion seeking to dismiss OCMA's lawsuit as a meritless "strategic lawsuit against public participation."

May 22, 2017

Superior Court judge hears LITS's "anti-SLAPP" motion seeking to dismiss OCMA's filings as a meritless.



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May 25, 2017

Superior Court judge denies LITS' request to have OCMA's legal challenges to the referendum petition dismissed as a "SLAPP" suit. That means the litigation will take many expensive months to resolve, with the next "case management" hearing set for September 11. The judge thought compliance with the technical procedural requirements of the Elections Code (which OCMA alleges were violated by the format of the petition) was a "content neutral" issue, and not a constitutionally protected activity against which an anti-SLAPP motion could be brought.

June 7, 2017

Line in the Sand files an appeal of the Superior Court judge's ruling which denied LITS anti-SLAPP motion.



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