



Mission Viejo
Right-to-Vote
Amendment Initiative Ordinance

Preliminary Comments:
Impartial Analysis



Principle Points

1. Confirms the City Council's policy direction and prior legislative response.
2. Adds further incentives for affordable housing developments.
3. Adds extensive new requirements for commercial, industrial, open space and some market rate housing projects.



Introduction

- The Mission Viejo Right-to-Vote Amendment is a citizen drafted, citizen sponsored law that imposed new processing requirements on specified land use applications.
- The City believes that this proposed ordinance supports and actively encourages the development of housing, including affordable housing, by putting burdens on qualifying commercial open space and industrial land use applications but exempting all housing regulations arising under State law.

This assists in advancing the removal of constraints on the production of housing, including affordable housing beyond the incentives approved by the State in the City's Housing Element.



Scope and Purpose

- The scope and purpose of the City's recently updated Housing Element is set forth on page 53 of the Housing Element.

“The City wants to continue to encourage the construction of new housing units that offer a wide range of housing types to ensure that an adequate supply is available to meet existing and future needs. The provision of a balanced inventory of housing in terms of unit type (e.g. single-family, multiple-family, etc.), cost, and style will allow the City to fulfill a variety of housing needs.”

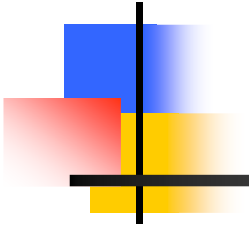
- Section 6 of the Mission Viejo Right-to-Vote Amendment expressly states:

“Nothing in this ordinance shall be applied to preclude City compliance with housing regulations under State law. In providing required housing, the City shall protect environmental values, enhance the quality of life of affected persons, and comply with this ordinance to the maximum extent feasible.”

Scope and Purpose



- Read together, and in satisfaction of the legal requirement that an ordinance must be consistent with the General Plan and general State Law, the City believes that every land use action that is taken to satisfy the City's compliance with "housing regulations under State law" is exempt from this Ordinance and is subject only to the presently existing municipal and state laws.



The actions that are exempt from the initiative ordinance that could be in compliance “with housing regulations under State law” include:

1. General Plan amendments, changes of the Zoning Map and zoning standards revisions to accommodate residential uses as may be required under State laws.
2. Any residential project application that includes an affordable housing component. An example is a project that includes a request for a density bonus so that affordable housing units can be made available.
3. Requests for General Plan, zoning map or text revisions to add, delete or revise sites specifically intended for affordable housing development.
4. Projects undertaken in-lieu of and in exchange for actions, approvals or development that further State housing regulations.

When will City-wide Voting Be Required



- Generally, what approvals would be subject to the new processing requirements.
 - ◆ non-housing regulation related changes in development standards
 - ◆ specified requests to change a parcels zone district designation
 - ◆ non-housing regulation related changes to City regulatory and Legislative documents
 - ◆ reuse of real property sold by a governmental entity
 - ◆ specified non-housing regulation changes in land use on specified parcels